

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

Court Minutes and Order

HEARING DATE: October 19, 2021
JUDGE: Brett H. Ludwig
CASE NO.: 18-cv-0727-bhl
CASE NAME: Carter v. Watson, et al.
MATTER: Final Pretrial Conference
APPEARANCES: Lisa C. Goldman, Attorney for Plaintiff
Nathaniel Cade, Jr., Attorney for Plaintiff
David J. Lang, Attorney for Erika Watson
Katherine C. Polich, Attorney for Tara Weidemann
Brandon T. Flugaur, Attorney for Tara Weidemann
TIME: 2:04 p.m. - 3:14 p.m.
COURTROOM DEPUTY: Melissa B.
COURT REPORTER: Sue Armbruster

The Court directed the parties to report to Courtroom 225 on the morning of trial at 8:30 a.m. Jury selection will occur in the courtroom at 9:00 a.m. The Court will conduct voir dire with the parties' proposed voir dire questions in mind.

The parties discussed which witnesses they anticipate calling. The Court briefly addressed the parties' objections to certain witnesses. The Court directed the parties to consider stipulating to the institution's "policies and procedures" to limit the number of unnecessary witnesses providing repetitive information. The Court ordered the parties to coordinate so that witnesses are only called to testify once. The Court then reiterated the importance of working together to avoid unnecessary witnesses in light of the on-going pandemic.

The parties discussed exhibits. The Court encouraged the parties to stipulate to facts, when possible. The Court directed the parties to provide courtesy copies of their exhibits in a tabbed binder on or before the morning of trial.

The Court addressed the parties' Motions in Limine, *see* Dkt. Nos. 76-84, many of which were not disputed. The parties presented brief arguments on the disputed motions. The Court took under advisement Defendant Weidemann's Motions in Limine Nos. 1 and 2 and indicated that it would issue a ruling on those motions prior to trial. The Court granted Defendant Weidemann's Motion in Limine Nos. 3 and 4 because any prior litigations, including disciplinary proceedings, involving Defendant Weidemann and the Department of Corrections were not relevant under Federal Rule of Evidence 401 as it did not tend to make any fact of consequence in *this* case more or less probable. The Court granted Defendant Weidemann's Motion in Limine No. 5, but reminded the defendants that it was *their* responsibility to provide evidence proving the dates of the plaintiff's prior felony convictions, along with the dates of the plaintiff's release from custody for those felony convictions, before the Court would allow introduction of that evidence at trial, consistent with Federal Rules of Evidence 609(a)-(b). The

Court granted in part and denied in part Plaintiff's Motion in Limine No. 1 for the same reasons explained in Defendant Weidemann's Motion in Limine No. 5. The Court granted Plaintiff's Motion in Limine No. 11 because any subsequent criminal investigation by the Eau Claire Police Department involving Defendants was not relevant under Federal Rule of Evidence 401 as it did not tend to make any fact in this civil case more or less probable. And the Court granted Plaintiff's Motion in Limine Nos. 2-10 & 12 as undisputed.

The Court advised the parties that it will provide copies of proposed jury instructions on the morning of trial. The parties should be prepared to participate in a jury instruction conference at the end of the first day of trial to finalize jury instructions.

For the reasons stated at the final pretrial conference, **IT IS ORDERED** that Defendant Weidemann's Motions in Limine Nos. 1-5 (Dkt. No. 76) are **GRANTED in part**. Motions 1 and 2 will be resolved prior to trial; Motions 3, 4, and 5 are granted.

IT IS FURTHER ORDERED that Plaintiff's Motions in Limine Nos. 1-5 (Dkt. No. 77) are **GRANTED in part** and **DENIED in part**. Motion 1 is granted in part and denied in part; Motions 2-5 are granted.

IT IS FURTHER ORDERED that Plaintiff's Motions in Limine Nos. 6-12 (Dkt. No. 78-84) are **GRANTED**.

Dated at Milwaukee, Wisconsin on October 25, 2021.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge